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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/518,690	12/15/2005	Asko Rasanen	4208-4232	3524
27123	7590	08/07/2007		
MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			EXAMINER NGUYEN, LEE	
			ART UNIT	PAPER NUMBER
			2618	
			MAIL DATE	DELIVERY MODE
			08/07/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/518,690

Applicant(s)

RASANEN, ASKO

Examiner

LEE NGUYEN

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

2. The IDS filed 12/16/04 has been considered and recorded in the file.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 4-6, 11, 14, 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Grube et al. (US 5,666,661).

Regarding claim 1, Grube teaches a method of communicating, the method comprising: effecting communication between first and second radio transceivers via a telecommunications network over a first channel (fig. 2, step 200); determining the distance between the first and second radio transceivers (fig. 3, step 301); determining whether the distance between the two transceivers meets a predetermined threshold (fig. 3, step 303); and in response to a determination that the threshold is met, effecting

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direct mode communication between the first and second radio transceivers over a second channel (fig. 3, steps 305-309).

Regarding claim 4, Grube et al also teach that the determining steps are carried out at the first radio transceiver (col. 3, lines 53-58).

Regarding claim 5, Grube et al also teach that the distance determination step includes determining the locations of the first and second radio transceivers (col. 3, lines 53-58).

Regarding claim 6, Grube et al also teach that the location determination involves a satellite-based position system (col. 2, line 42).

Regarding claim 11, the apparatus claim is interpreted and rejected for the same reason as set forth in the method claim 1.

Regarding claim 14, the apparatus claim is interpreted and rejected for the same reason as set forth in the method claim 6.

Regarding claim 16, the apparatus claim is interpreted and rejected for the same reason as set forth in the method claim 1.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2, 8-9, 12, 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grube et al in view of Karaoguz et al. (US 2002/0059434).

Regarding claim 2, Grube et al fail to teach that the second channel has a greater bandwidth than the first channel. Karaoguz et al teach that in order to obtain more data bandwidth or quality of service, a multi-function mobile phone can switch from a narrow band communication system (WAN) to a wider bandwidth communication system including Bluetooth (para [0009]-[0014]), which is also a direct mode communication. It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Karaoguz et al with Grube et al in order to obtain more bandwidth for the communication.

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Regarding claims 8-9, Grube et al also teach that the first and second channels are of different channel types and that the direct mode communication step is effected only if a bandwidth or other service demand exceeds the capability of the first channel (para [0009]-[0014], [0041] of Karaoguz et al).

Regarding claim 12, the apparatus claim is interpreted and rejected for the same reason as set forth in the method claim 2.

Regarding claim 15, the apparatus claim is interpreted and rejected for the same reason as set forth in the method claim 8.

7. Claims 3, 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grube et al in view of Schroderus et al. (US 5,822,682).

Regarding claim 3, Grube et al fail to teach prior to the effecting direct mode communication step, estimating the quality of the second channel. Schroderus et al teach prior to the effecting direct mode communication step, estimating the quality of the second channel (abstract). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Schroderus et al with Grube et al in order to improve channel efficiency.

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Regarding claim 13, the apparatus claim is interpreted and rejected for the same reason as set forth in the method claim 3.

8. Claims 7, 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grube et al.

Regarding claim 7, Grube et al does not explicitly teach that the location determination involves triangulating from plural fixed radio transceivers, preferably forming part of the telecommunications network. It is taken official notice that the art of location determining using triangular transceiver in a cellular communication system is conventionally well known. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the alternate position determining with triangular method in order to reduce the cost of the extra GPS receiver.

Regarding claim 10, Grube et al fail to teach that the threshold is dependent on the sum of the radio coverage of the first and second radio transceivers. However, as suggested by Grube et al, the distance threshold bases upon variety of ways (col. 3, lines 9-15). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the threshold as claimed as a choice of design.

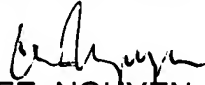
Any inquiry concerning this communication or earlier communications from the

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examiner should be directed to LEE NGUYEN, whose telephone number is 571-272-7854. The examiner can normally be reached on 8:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ANDERSON D. MATTHEW can be reached on 571-272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


LEE NGUYEN
Primary Examiner
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